

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

FILED  
U.S. DISTRICT COURT  
EVANSVILLE, INDIANA  
2013 AUG 26 PM 5:00

BREEA OSTERUD,

Plaintiff,

vs.

Cause No. 3:13-cv-00115-WTL-WGH

SCHNUCK SUPERMARKETS, INC., )  
a foreign corporation, VAUGHAN )  
FOODS, INC., a foreign corporation, )  
4Q FARMS, LLC, a foreign corporation, )  
C.H. ROBINSON WORLDWIDE, INC. )  
d/b/a FOOD SOURCE MONTEREY, )  
a foreign corporation, and JOHN DOES 1-2, )  
domestic and/or foreign corporations, )  
Defendants. )

**MOTION FOR ATTORNEY RON SIMON**  
**TO APPEAR *PRO HAC VICE***

Pursuant to S. D. Ind. Local Rules 83-5(C) and 83-6, the undersigned counsel, Ron Simon, respectfully moves the Court for an order granting admission *pro hac vice* for the purpose of appearing as counsel on behalf of Plaintiff, Breea Osterud ("Osterud") in the above-styled cause only. In support of this motion, the undersigned submits the attached Exhibit A and states:

1. I am admitted to practice in the following states and federal jurisdictions and am in good standing in the same (Ex. A, ¶ 3):

- a. Texas, admitted 1993, Attorney No. 00788421;
- b. Fifth Circuit of the United States Court of Appeals;
- c. United States District Court for the Northern District of Texas;
- d. United States District Court for the Southern District of Texas;

- e. United States District Court for the Eastern District of Texas;
- f. United States Supreme Court.

2. I am not currently nor have I ever been disbarred or suspended from practice before any court, department, bureau or commission of any state or the United States, and am not currently nor have I ever received a reprimand or been subject to other disciplinary action from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar. (Ex. A, ¶ 4.)

3. I certify that I have reviewed and will abide by the Seventh Circuit Standards of Professional Conduct and the Local Rules of the United States District Court for the Southern District of Indiana, including the Rules of Disciplinary Enforcement. (Ex. A, ¶ 5.)

4. I have presented a check in the amount of Thirty Dollars (\$30.00) in payment of the administrative fees required to process this motion for admission *pro hac vice*.

WHEREFORE, the undersigned counsel respectfully requests this Court enter an order of admission *pro hac vice* for purposes of this cause only.

Respectfully submitted,



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Patrick A. Elward, # 8082-49  
Meaghan Klem Haller, # 29323-53  
**BINGHAM GREENEBAUM DOLL LLP**  
2700 Market Tower  
10 W. Market Street  
Indianapolis, IN 46204-4900  
Telephone: (317) 635-8900  
Facsimile: (317) 236-9907  
pelward@bgdlegal.com  
mhaller@bgdlegal.com  
*Attorneys for Plaintiff Breea Osterud*

**CERTIFICATE OF SERVICE**

I certify that on August 23, 2013, a copy of the foregoing MOTION FOR ATTORNEY RON SIMON TO APPEAR *PRO HAC VICE* upon the following counsel of record by First Class, United States Mail, postage prepaid:

<p>Patrick A. Shoulders Steven K. Hahn ZIEMER STAYMAN WEITZEL &amp; SHOULDERS 20 N. W. First Street P. O. Box 916 Evansville, IN 47706 <a href="mailto:pshoulders@zsws.com">pshoulders@zsws.com</a> <a href="mailto:shahn@zsws.com">shahn@zsws.com</a></p> <p>Gerard T. Noce Theodore J. MacDonald, Jr. Matthew H. Noce HEPLER BROOM, LLC 211 North Broadway Suite 2700 St. Louis, MO 63102 <a href="mailto:gtn@heplerbroom.com">gtn@heplerbroom.com</a> <a href="mailto:tjm@heplerbroom.com">tjm@heplerbroom.com</a> <a href="mailto:mhn@heplerbroom.com">mhn@heplerbroom.com</a></p>	<p>Attorneys for Defendant Schnuck Supermarkets, Inc.</p>
<p>Brent R. Weil James B. Goldbold KIGHTLINGER &amp; GRAY LLP 7311 Eagle Crest Boulevard Evansville, IN 47715-8157 <a href="mailto:bweil@k-glaw.com">bweil@k-glaw.com</a> <a href="mailto:jgoldbold@k-glaw.com">jgoldbold@k-glaw.com</a></p> <p>David T. Ahlheim Justin C. Wilson CHILDRESS AHLHEIM CARY LLC 1010 Market Street, Suite 500 St. Louis, MO 63101 <a href="mailto:dahlheim@jchildresslaw.com">dahlheim@jchildresslaw.com</a> <a href="mailto:jwilson@jchildresslaw.com">jwilson@jchildresslaw.com</a></p>	<p>Attorneys for Defendant Vaughn Foods, Inc.</p>

S. Anthony Long Samuel Adam Long LONG & MATHIES LAW FIRM A Professional Corporation 415 East Main Street PO Box 250 Boonville, IN 47601	Co-counsel for Plaintiff
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Patrick A. Elward

# Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

BREEA OSTERUD, )  
)  
Plaintiff, )  
)  
vs. )  
)  
SCHNUCK SUPERMARKETS, INC., )  
a foreign corporation, VAUGHAN )  
FOODS, INC., a foreign corporation, )  
and JOHN DOES 1-4, Domestic and/or )  
Foreign Corporations, )  
)  
Defendants. )

**AFFIDAVIT OF RON SIMON IN SUPPORT OF**  
**MOTION TO APPEAR *PRO HAC VICE***

Ron Simon, of lawful age and being first duly sworn, deposes and says, in support of this motion to appear *pro hac vice* as counsel for Plaintiff, Breea Osterud ("Osterud") in this matter:

1. I am a resident of Texas.

2. I am not a resident of the State of Indiana, regularly employed in the State of Indiana, or regularly engaged in business or professional activities in the State of Indiana.

The name of my firm is Simon & Luke. The address is 2929 Allen Parkway, 42nd Floor, Houston, Texas 77019.

3. I am admitted to practice in the following states and federal jurisdictions and am in good standing in the same:

- a. Texas, admitted 1993, Attorney No. 00788421;
- b. Fifth Circuit of the United States;
- c. United States District Court for the Northern District of Texas;

- d. United States District Court for the Southern District of Texas;
- e. United States District Court for the Eastern District of Texas;
- f. United States District Court for the Western District of Texas; and
- g. United States Supreme Court.

4. I am not currently nor have I ever been disbarred or suspended from practice before any court, department, bureau or commission of any state or the United States, and am not currently nor have I ever received a reprimand or been subject to other disciplinary action from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar.

5. I certify that I have reviewed and will abide by the Seventh Circuit Standards of Professional Conduct and the Local Rules of the United States District Court for the Southern District of Indiana, including the Rules of Disciplinary Enforcement.

4. This affidavit is submitted in support of a motion to appear *pro hac vice* filed in the above-captioned matter by Patrick A. Elward of Bingham Greenebaum Doll LLP.

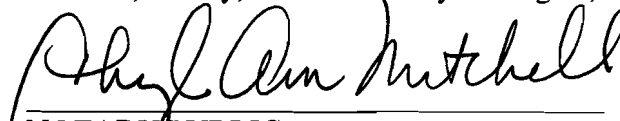
I affirm under the penalties for perjury that the foregoing representations are true and correct, to the best of my knowledge, information and belief.

FURTHER AFFIANT SAYTH NAUGHT.



Ron Simon

SWORN TO AND SUBSCRIBED before me, Notary, on this 22<sup>nd</sup> day of August, 2013.



NOTARY PUBLIC  
State of Texas

